§ 75-m. Variances and exemptions from automated teller machine security measures. 1. Except in cities having a population of one million or more, and in accordance with the guidelines set forth in this article, the superintendent, pursuant to rules and regulations promulgated by the superintendent, and upon written request of a banking institution, may approve variances which provide substitute security measures that are substantially as safe as the requirements of any of the security measures contained in this article, or exemptions from such measures, with respect to an automated teller machine facility or facilities operated by such banking institution;

2. In no event, however, shall the superintendent vary or exempt any such measures unless he or she shall have received the following items, in form and substance satisfactory to him or her:

(a) a resolution or declaration of the governing body of the city, village, or town in which such automated teller machine facility is located consenting to any such variance or exemption; and

(b) written certification from the banking institution's security officer, appointed in accordance with federal law, that, in his or her professional judgment, either the variance will provide security measures which are substantially as safe as those which are otherwise required by this article or the exemption is warranted, as applicable; and

(c) in the event the request for any such variance or exemption is premised upon the impracticability or burdensome expense that would result from compliance with the security provisions contained in this article, and such impracticability or expense is attributable to the manner in which the building in which such automated teller machine facility is, or is to be, located, constructed, configured or otherwise situated, written certification to such effect from an expert with competence in the areas of renovation and/or design, as may be appropriate; and

(d) such other evidence or information as the superintendent may, in his or her sole discretion, deem appropriate or necessary.